IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT APPEAL NO : 2123 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 02/12/2004 in WP NO : 6470 OF 1999 on the file of the High Court.)

Between:

K. Pydichatti Naidu (Sic. Pydithalli Naidu), S/o Late Appalaswamy, Vizianagaram District.

..... APPELLANT

AND

1 The A.P.S.R.T.C., rep. by its Vice Chairman & Managing Director,
Musheerabad, Hyderabad.
2 The State Transport Appellate Tribunal, A.P. Hyderabad by its Presiding Officer,
Manoranjan Complex, near Ajantha Gate, Mojamzahi Road, Hyderabad.
3 The Regional Transport Authority, Vizianagaram, rep. by its Secretary.

.....RESPONDENTS

Counsel for the Appellant : MR.T.VENKATA RAMANA

Counsel for the Respondent No.1: MR.K.SRINIVASA RAO (SC FOR APSRTC).

Counsel for the respondent Nos. 2 & 3: G.P. FOR TRANSPORT.

The Court made the following :

ORAL JUDGMENT:

(per Hon'ble The Chief Justice)

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1. The mere fact that appeal has been preferred to Supreme Court against the judgment of the Full Bench, the fact remains that the said judgment is not suspended. Case admittedly is covered by the decision of the Full Bench of this Court in Divisional Manager, APSRTC Vs. State Transport Appellate

Tribunal, A.P., Hyderabad and others (2001 (6) ALD 408). There is overlapping to an extent of 7.9 km. Whatever may be the extent of overlapping, as per the decision of the Full Bench, it amounts to overlapping and in that view of the matter, the order of 2nd respondent herein in RP.No.34/98 dated 24.07.1998 is not sustainable and the order of 3rd respondent herein in the resolution dated 16.10.1995 granting stage carriage permit in favour of the appellant herein for the mofusil route is bad.

2. Writ appeal fails and is dismissed. No costs.

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DEVINDER GUPTA. C.J.,

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M. NARAYANA REDDY. J.,

Dated: 30.12.2004.

VRK.

Note:

Furnish cc tomorrow.

(BO)

To

1 The Vice Chairman & Managing Director, APSRTC., Musheerabad, Hyderabad.
2 The Presiding Officer State Transport Appellate Tribunal, A.P. Hyderabad.
Manoranjan Complex, near Ajantha Gate, Mojamzahi Road, Hyderabad.
3 The Regional Transport Authority, Vizianagaram, rep. by its Secretary.

4. Two CCs to G.P., for Transport, High Court Buildings, Hyderabad (OUT).

5. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE M. NARAYANA REDDY.

W.A.NO. 2123 OF 2004.

(Judgment of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 30.12.2004.

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